

Town of



AMHERST

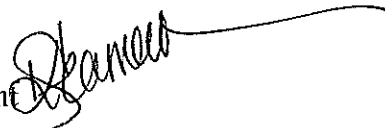
Massachusetts

TOWN HALL  
4 BOLTWOOD AVENUE  
AMHERST, MA 01002

SELECT BOARD  
Phone (413) 259-3001  
FAX (413) 259-2405

Email: [selectboard@amherstma.gov](mailto:selectboard@amherstma.gov)

To: Amherst Select Board

From: Kate Seaman, Administrative Assistant 

Date: December 4, 2009

Re: Liquor License Violations for Calendar Year 2009

Attached are two violations issued by the Commonwealth of Massachusetts Alcoholic Beverages Control Commission (ABCC) to Amherst establishments for calendar year 2009; one resulted in a warning, the other a three day suspension to be held in abeyance for two years, provided no violations took place during that time.

To date, the ABCC has not notified this office of any additional violations. I will continue to keep the Board informed of future issues should they occur.

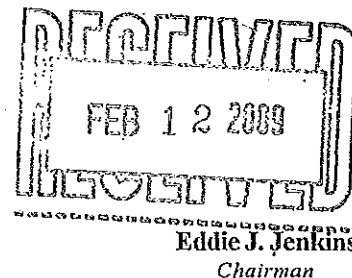






**Timothy P. Cahill**  
Treasurer and Receiver General

Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
Telephone: (617) 727-3040  
Fax: (617) 727-1258



### NOTICE OF HEARING

**Crazy Noodles, LLC**  
36 Main Street  
Amherst, MA 01002

You are hereby notified that a hearing will be held by the Commission on:

**Thursday, February 24, 2009 at 10:00 a.m.**

at 239 Causeway Street, 1<sup>st</sup> floor, Boston, MA to determine whether you have violated certain provisions of Massachusetts General Laws, (M.G.L.) or Commission Regulations as follows:

204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: Ch. 138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age.

Date and Time of Alleged Violations: **Wednesday, February 4, 2009 at approximately 5:42 p.m.**

Hearings are held pursuant to M.G.L. C.138, C.30A and 801 Code of Massachusetts Regulations, §1.02 and §1.03. You may appear on your own behalf or with your attorney. Hearings are tape-recorded. Pursuant to M.G.L. C.30A, §11 (6) written transcripts will be furnished if requested in writing with tender of payment. You may arrange for your own stenographer. Reports, if any, concerning the violations charged may be examined and copied at the Commission's office.

*NOTE: It is important that licensees and those interested in this matter attend the hearing to present evidence and testimony. The Commission, in some cases, has the power to suspend, modify, revoke or cancel licenses.*

Dated at Boston, Massachusetts this 10<sup>th</sup> day of February, 2009.

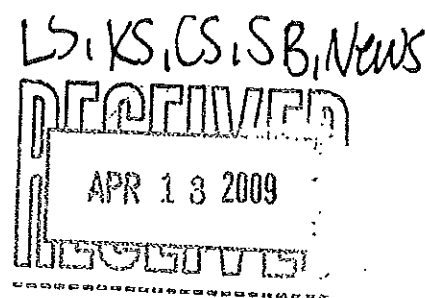
Eddie J. Jenkins  
Chairman

cc: Licensing Board  
Frederick G. Mahony, Chief Investigator  
Arthur Hitchman, Investigator  
John Carey, Investigator  
File



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Eddie J. Jenkins  
Chairman

Re: Crazy Noodles, LLC  
Premises: 36 Main Street  
City/Town: Amherst, MA 01002  
Heard: March 19, 2009

### DECISION

A Commission hearing was held to determine whether Crazy Noodles, LLC violated 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: Ch. 138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age (1 count).

The licensee stipulated to the facts contained in the Investigator's compliance check field report dated February 4, 2009. The report states an underage operative, working with A.B.C.C. investigators, purchased a 12 oz. bottle of Budweiser at Crazy Noodles on February 4, 2009. The young man was not asked for identification by the server.

The Commission finds the licensee violated 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: Ch. 138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age and, therefore **suspends the license for a period of 3 days of which 3 days will be held in abeyance for a period of 2 years provided no further violations of Ch. 138 or Commission regulations occur.**

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Robert H. Cronin, Commissioner

Susan Corcoran, Commissioner

Dated in Boston, Massachusetts this 7<sup>th</sup> day of April 2009.

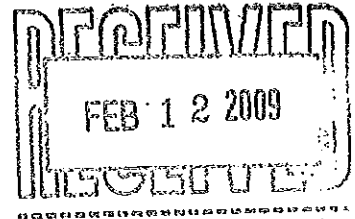
You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty days of receipt of this decision.

cc: Local Licensing Board  
Frederick G. Mahony, Chief Investigator  
File



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**Eddie J. Jenkins**  
Chairman

### NOTICE OF HEARING

**Russell Liquors, Inc.**  
18 Main Street  
Amherst, MA 01002

You are hereby notified that a hearing will be held by the Commission on:

**Thursday, February 24, 2009 at 10:15 a.m.**

at 239 Causeway Street, 1<sup>st</sup> floor, Boston, MA to determine whether you have violated certain provisions of Massachusetts General Laws, (M.G.L.) or Commission Regulations as follows:

204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: Ch. 138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age.

Date and Time of Alleged Violations: **Wednesday, February 4, 2009 at approximately 5:34 p.m.**

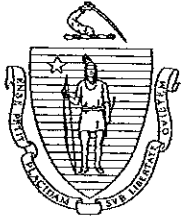
Hearings are held pursuant to M.G.L. C.138, C.30A and 801 Code of Massachusetts Regulations, §1.02 and §1.03. You may appear on your own behalf or with your attorney. Hearings are tape-recorded. Pursuant to M.G.L. C.30A, §11 (6) written transcripts will be furnished if requested in writing with tender of payment. You may arrange for your own stenographer. Reports, if any, concerning the violations charged may be examined and copied at the Commission's office.

*NOTE: It is important that licensees and those interested in this matter attend the hearing to present evidence and testimony. The Commission, in some cases, has the power to suspend, modify, revoke or cancel licenses.*

Dated at Boston, Massachusetts this 10<sup>th</sup> day of February 2009.

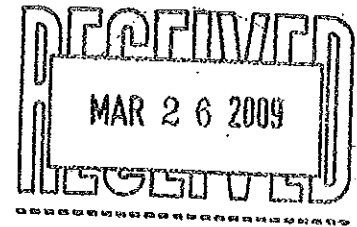
Eddie J. Jenkins  
Chairman

cc: Licensing Board  
Frederick G. Mahony, Chief Investigator  
Arthur Hitchman, Investigator  
John Carey, Investigator  
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**Eddie J. Jenkins**  
Chairman

Re: Russell Liquors, Inc.  
Premise: 18 Main Street  
City/Town: Amherst, MA 01002  
Heard: March 19, 2009

### DECISION

A Commission hearing was held to determine whether licensee Russell Liquors, Inc. was in violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: Ch. 138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age.

The licensee stipulated to the facts contained in the Investigator's compliance check field report. Investigator Doyle testified that on February 4, 2009 at approximately 5:34 p.m., Investigators Hitchman and Carey were conducting a compliance check when they observed a clerk sell an alcoholic beverage, specifically, a 40 oz. Budweiser beer bottle to a person under twenty-one years of age. At no point was the individual who was eighteen years old, ever asked for identification.

The licensee stated that the clerk who erred was a new employee and that his employees were trained to only take Massachusetts licenses and always check for proper identification.

The Commission has taken administrative notice of the file and finds that this licensee had owned the establishment and/or has been in his family for over fifty years. The Commission finds the licensee in violation of 204 CMR 2.05 (2)- Permitting an illegality on the licensed premises, to wit: Ch. 138 §34- Sale or delivery of an alcoholic beverage to a person under twenty-one years of age, and, therefore **issues a warning**.

### ALCOHOLIC BEVERAGES CONTROL COMMISSION

Susan Corcoran, Commissioner

I, the undersigned, hereby certify that I have reviewed the hearing record and concur with the above decision.

Eddie J. Jenkins, Chairman

Dated in Boston, Massachusetts this 25<sup>th</sup> day of March 2009.